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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,038	09/28/2000	Joseph Donald Lytle JR.	DP-300832	8572

7590 03/27/2002
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EXAMINER

NGUYEN, KHIEM M

ART UNIT PAPER NUMBER

2839

FINAL EXPED: Reply by 27-MAY-2002
FINAL: Reply by 27-JUN-2002
DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED/DELPHI

APR 04 2002

Legal Staff

Office Action Summary

Application No.

09/675038

Applicant(s)

LYTLE ET AL.

Examiner

K. NGUYEN

Group Art Unit

2839

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE - 3 - MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 1-9-02

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 11, 18 is/are allowed.

☒ Claim(s) 1-10, 12-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 12, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flask et al. (5,928,011).

Flask et al. discloses a connector assembly comprising a slide mechanism 12 having an arm with a lock rail and a bayonet slot in the arm. A first connector body 34 having a mounting slot 48 and a channel for releasably receiving the arm of the slide mechanism; a second connector body 10 having a mounting tab constructed to be releasably received in the mounting slot of the first connector body to connect the first connector body and second connector body together. A third connector body 14 having a bayonet constructed to be received in the bayonet slot of the slide mechanism so that the third connector body is releasably connected to the first and second connector body. Minor variations over Flask et al. are deemed obvious design configurations or rearrangement of parts which would obtain substantially similar results. In re Japikse, 86 USPQ 70 (CCPA 1950).

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Allowable Subject Matter

3. Claims 11 and 18 are allowed.

Response to Arguments

4. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive.

In response to Applicant's argument that the reference numeral 34 in Flask refers to a grommet housing and not a connector body. However, the term "connector body" as broadly recited in claims 1 and 13 of the invention only set forth a body having a mounting slot and a channel for releasably receiving the arm of the slide mechanism. It is submitted that the grommet connector body 34 of Flask et al. does positively show these claim limitation features.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Khiem Nguyen between the hours of 10 AM and 6 PM whose telephone number is (703) 308-1738. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, may be reached on (703) 308 3119.

703 308 1738
↓

571-272-2096

703-308-3119
→ 571-272-2058

Khiem Nguyen
Khiem Nguyen

Primary Examiner

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